

TO: House Committee on Ways and Means

BILL: House Bill (HB) 459 – State Board of Education and State Superintendent of Schools - Enforcement Procedures - Alterations

DATE: February 11, 2026

POSITION: Oppose

Chair Wilkins and Members of the House Ways and Means Committee,

The Maryland State Board of Education (State Board) shares the following information in opposition to **HB 459**, which would establish a standard of review for State Board decisions on appeals of local board decisions based on an abuse of discretion or illegality. The bill also establishes a limit of 90 days on the duration of a stay ordered by the State Superintendent of Schools when there is an active appeal on the matter before the State Board.

The State Board has significant concerns with the bill as drafted. This bill would reshape the standard of review for various appeals to the State Board. The language outlined in the bill establishing the general standard of review for State Board appeals lacks nuance to account for different types of State Board appeals. These standards of review are set forth in State Board regulations and through precedent in prior State Board opinions.

Many appeals before the State Board involve local policies, rules, and regulations of local boards, but do not fall under the general standard referenced in the proposed language. For example, appeals involving certificated employee suspensions and dismissals are subject to a de novo review. By codifying only a single, general standard of review in statute, there is a significant risk of unintentionally nullifying other established standards that are not expressly included in the bill. There is no default in the proposed statutory language for applying these other standards of review where appropriate.

When considering an efficient appeals timeline, we must balance critical due process for all parties in the appeal. In 2025, the State Board adopted a regulation that granted the State Superintendent of Schools the authority to stay a local board decision beyond 60 days if the local board's action has been appealed to the local board or the State Board. In these instances, per the recently adopted regulations, the stay may remain in place until the State Board has issued a final decision on the appeal.

Notably, this regulation amended a provision from 1963 that was intended to ensure continuity of operations while actions of local school boards could be examined for legal sufficiency.

Since 1963, the State Board has added significant layers of due process than what the original provision had accounted for. As part of the development of this regulation last summer, the State Board engaged with a host of stakeholders to receive feedback on this matter before promulgating regulations that would ensure continuity of operations in a local school system while maintaining due process.

The State Board requests that the committee consider this information as it deliberates **HB 459**. Please contact Zach Hands, Executive Director of the State Board, at Zachary.hands1@maryland.gov or at 443-915-6094, if you would like any additional information.